

02-25-02

CPA 1/686/A



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

#101 CPA Request
3/17/02

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☐ DUPLICATE

*EXPRESS MAIL MAILING LABEL

Number: **EV 031971969 US** Date of Deposit: **February 22, 2002**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Priority Mail" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, Box CPA, P.O. Box 2377, Arlington, VA 22202, on **February 22, 2002**.

Typed or Printed Name: **DARRYL KRINER**

Signed: *[Signature]*

Address to:

Assistant Commissioner for
Patents
Box CPA
Washington, DC 20231

Attorney Docket No.

A-67933-1/RFT/NBC

First Named Inventor

JAIN

Examiner Name

T. STRZELECKA

Group/Art Unit

1656

Express Mail Label No.

EV 031971969 US

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TECH CENTER 1600/2900

This is a request for ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number **09/ 532,708**

filed on **03/22/00**, entitled, **High-Throughput Gene Cloning and Phenotypic Screening**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d).
☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 C.F.R. §1.16(c) or (j))	16	-20 =		X \$ 18	\$ 0
Independent Claims (37 C.F.R. §1.16(b) or (i))	1	-3 =		X \$ 84	\$ 0
Multiple dependent claims (if applicable) (37 C.F.R. §1.16(d))				+ \$ 280	\$ 0
				BASIC FEE (37 C.F.R. §1.16)	\$ 740
				TOTAL OF ABOVE CALCULATIONS =	\$ 740
				Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§1.9, 1.27, & 1.28).	\$ 0
				TOTAL =	\$ 740

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. *)

- a. ☐ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18

8. ☒ A check in the amount of \$1,660.00 (\$740.00 Filing Fee; \$920.00 3-Mo Extension of Time Fee) is enclosed.

9. ☒ Other: *Return postcard

10. ☒ Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Richard F. Trecartin

Signature

Nancy B. Cupps Reg. No. 43698
for Richard F. Trecartin

Registration No.
(Attorney/Agent)

31,801

Date

2-22-02

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/532,708	03/22/2000	1637	1270	A-67933- 1/RFT/RMS/DAV	2	45	3

CONFIRMATION NO. 8874

CORRECTED FILING RECEIPT



OC000000007659658

Flehr Hohbach Test Albritton & Herbert LLP
Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187

Date Mailed: 03/18/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Sarita Kumari Jain, San Francisco, CA;
Elizabeth Anne Allen, Santa Clara, CA;
Sushma Pati, Los Altos, CA;
Roy Geoffrey Sargent, Mountain View, CA;
David A. Zaring, Menlo Park, CA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/125,536 03/22/1999

Foreign Applications

If Required, Foreign Filing License Granted 05/26/2000

CPA filed on: 02/22/2002

Projected Publication Date: 06/27/2002

Non-Publication Request: No

Early Publication Request: No

Title

High-throughput gene cloning and phenotypic screening

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).